

STATE OF MICHIGAN
COURT OF APPEALS

AMY MARIE WILKINSON,

Plaintiff-Appellant,

v

NEAL ANTHONY MADDOX,

Defendant-Appellee.

UNPUBLISHED

July 21, 2011

No. 297852

Livingston Circuit Court

LC No. 08-023993-NI

Before: BECKERING, P.J., and FORT HOOD and STEPHENS, JJ.

MEMORANDUM.

Plaintiff appeals as of right the trial court's order granting defendant's motion for summary disposition. We vacate and remand for proceedings in light of *McCormick v Carrier*, 487 Mich 180; 795 NW2d 517 (2010).

In 2006, plaintiff sustained injuries when she was a passenger in a vehicle driven by defendant. Plaintiff filed a complaint alleging that defendant negligently operated his motor vehicle and caused plaintiff to suffer a serious impairment of a body function. Defendant moved for summary disposition, and the trial court granted the motion, holding that plaintiff could not demonstrate that the general course or trajectory of her life had been affected pursuant to *Kreiner v Fischer*, 471 Mich 109; 683 NW2d 611 (2004). MCL 500.3135 addresses tort liability for noneconomic loss when a serious impairment of body function occurs. The *McCormick* decision overruled the *Kreiner* Court's interpretation of MCL 500.3135. The trial court's decision was premised on case law that has been overruled. Accordingly, we vacate the trial court's grant of summary disposition and remand the case for further proceedings in light of *McCormick*.

Vacated and remanded for proceedings consistent with this opinion. We do not retain jurisdiction.

/s/ Jane M. Beckering

/s/ Karen M. Fort Hood

/s/ Cynthia Diane Stephens